THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4729 OF 2006

Dated: 10-03-2006

Between

Sankati Nagaiah, S/o. Buchi Ramulu,
R/o. Murmur Village, Ramagundam
Mandal, Karimnagar District and
others.

...PETITIONERS

AND

The District Level Committee, rep. by
its Chairman, Karimnagar District and
others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents in not considering their representation dated 03.03.2006 and conducting auctions in pursuance of the notification No.A2/2903/1998-Pts, dated 24.02.2006 to the extent of Potyala Village, Ramagundam Mandal, Karimnagar District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioners are agriculturists and owners of the lands in Murmur Village and they have dug bore wells and cultivating the said lands,

which are adjacent to Potyala Village. He further submits that in the Potyala Village there is depletion of ground water due to lifting of sand near by the sand reaches and if the quarrying continues the water levels will further decrease thereby affecting adversely the agriculturists. Therefore, it is the case of the petitioners that issuance of notification by the third respondent dated 24.02.2006 calling upon the applications in respect of the action of the quarrying lease of Potyala Village, Ramagundam Mandal, is illegal and arbitrary. He further submits that the petitioners have made a representation dated 03.03.2006 before the District Collector, Karimnagar, bringing to his notice that due to excavation of sand in the Potyala Village sand reaches the ground water is depleting in the Murmoor and Yellampalli village areas and therefore, requested him to do justice.

Learned Government Pleader appearing for the respondents submits that the District Level Committee, which is the competent authority to notify the auction of sand reaches asked the Ground Water Department to submit a report with regard to the ground water levels and after getting the said report only the sand reaches of Potyala village have been notified for auction. He further submits that the rival contractors earlier filed WP.No.3472 of 2006 questioning the said notification, which was dismissed by this Court on 24.02.2006.

As the said auction itself is scheduled to be held on 14.03.2006 it may not be just and possible for the District Collector, Karimnagar District to consider the said representation of the petitioners before the auction takes place. Therefore, at the belated stage no relief can be granted to the petitioner staying the said auction.

Accordingly, the writ petition is dismissed.

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V. ESWARAIAH, J

March 10, 2006

DSK